

Chairman Vap called the regularly scheduled meeting to order at 10:12 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present.

GENERAL ADMINISTRATION

Notice was duly published February 24, 2004, on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held March 2, 2004, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Chairman Vap introduced the Commission's new attorneys Angela Melton and Mark Breiner.

Attention was called to the following proceedings:

Tuesday, March 2, 2004:

1:00	Commission Hearing Room, Lincoln. Paging Services Workshop
C-3100	Commission Hearing Room, Lincoln.
2:30	The Commission, on its own motion, seeking to determine the surcharge for the statewide Telecommunications Relay System to be effective July 1, 2004.
C-3096	Commission Hearing Room, Lincoln. Oral Argument
3:00	Great Plains Communications, Inc., seeking suspension or modification of the Federal Communications Commission requirement to implement Wireline-Wireless Number Portability pursuant to 47 U.S.C. Section 251(f)(2). Commissioner Vap chairing.

Wednesday, March 3, 2004:

B-1634	Video Hearing. Commission Library, Lincoln, and the
10:00	Nebraska State Office Building, Room 207, 2 nd Floor, 1313 Farnam Street, Omaha. Liberty Transportation, Inc., Omaha, seeking authority as a common carrier of passengers and their baggage in open class service by van over irregular routes between points in Douglas, Sarpy, Cass and Washington counties to include the transportation of clients of the Nebraska Department of Health and Human Services. Commissioner Boyle chairing.

COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of the complaints received in the preceding month.

COMMUNICATIONS DEPARTMENT (Cont.)

AD-301r In the Matter of United Recovery Systems, Inc., Houston, Texas, seeking authority to connect an automatic dialing-announcing device: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

FC-1313 In the Matter of A & H Enterprises, d/b/a Platte Valley Internet, Columbus, vs. Citizens Communications, d/b/a Frontier, Burnsville, Minnesota, regarding a billing dispute: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

C-2932 In the Matter of NPCR, Inc., d/b/a Nextel Partners, Eden Prairie, Minnesota, seeking designation as an Eligible Telecommunications Carrier that may receive universal service support: Gene Hand informed the Commission that a Motion for Rehearing and Motion for Oral Argument had been received from Nextel Partners. An oral argument was set for March 17, 2004, at 11:00 a.m. in the Commission Hearing Room, Lincoln. Commissioner Landis will preside as Hearing Officer.

C-2940 In the Matter of the Commission, on its own motion, seeking to determine whether the retail service quality provided by Alltel is adequate: Don Gray informed the Commission that Alltel's monthly service quality report for the month of January, 2004, had been received and he provided a graphical analysis of Alltel's performance. Additionally, the Commissioners were updated on the service audit being conducted by Don Gray, Steve Stovall and John Burvainis.

C-3026 In the Matter of the Commission, on its own motion, seeking to conduct a 9-month proceeding as contemplated by the Federal Communications Commission in its Triennial Review Order adopting new rules for network unbundling obligations: Gene Hand informed the Commission that a Hearing Officer's order was entered on February 25, 2004, denying Qwest's Motion to Strike.

C-3096 In the Matter of Great Plains Communications, Inc., Blair, seeking suspension or modification of the Federal Communications Commission requirement to implement Wireline-Wireless Number Portability pursuant to 47 U.S.C. Section 251(f)(2): Gene Hand advised the Commission that an oral argument was scheduled for March 2, 2004, at 3:00 p.m. in the Commission Hearing Room, Lincoln, regarding the Motion for Interim Relief from the mandated May 24, 2004, local number portability implementation date.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3097 In the Matter of Touch America, Inc., Butte, Montana, seeking to withdraw its operating authority as a resale and facilities-based interexchange carrier of telecommunications services within the State of Nebraska: Motion made by Commissioner Rod Johnson, seconded by Commissioner Lowell Johnson to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

C-3098 In the Matter of Ionex Communications North, Inc., Kansas City, Missouri, seeking to discontinue providing Citizens Communications resale telecommunications service in Nebraska markets: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

C-3131 In the Matter of the Petition from residents of the Sumner Exchange, requesting extended area service (EAS) to the Kearney Exchange, both served by Citizens Telecommunications Company of Nebraska: Gene Hand informed the Commission that the customer list supplied by Citizens had been verified and a request made to Citizens that a traffic study be provided to the Commission by April 13, 2004.

C-3132 to In the Matter of Arapahoe Telephone Company; Benkelman
C-3143 Telephone Company, Inc.; Cozad Telephone Company; Curtis Telephone Company; Diller Telephone Company; Glenwood Telephone Membership Corporation; Hartman Telephone Company; Keystone-Arthur Telephone Company; Mainstay Communications, f/k/a Henderson Cooperative Telephone Company; Plainview Telephone Company; Southeast Nebraska Telephone Company; and Wauneta Telephone Company, seeking suspension or modification of the Federal Communications Commission requirement to implement Wireline-Wireless Number Portability pursuant to 47 U.S.C. Section 251(f)(2): Gene Hand informed the Commission that petitions seeking suspension or modification from the above-listed parties were filed on February 25, 2004.

C-3144 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of its Updated Statement of Generally Available Terms (SGAT), filed pursuant to section 252(f) of the 1996 Telecommunications Act: Gene Hand informed the Commission that an updated SGAT had been filed by Qwest on February 25, 2004.

C-3146 In the Matter of Pierce Telephone Company, Pierce, seeking suspension or modification of the Federal Communications Commission requirement to implement Wireline-Wireless Number Portability pursuant to 47 U.S.C. Section 251(f)(2): Gene Hand informed the Commission that the application had been filed.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3147 In the Matter of Hooper Telephone Company, d/b/a WestTel Systems, Remsen, Iowa, seeking suspension or modification of the Federal Communications Commission requirement to implement Wireline-Wireless Number Portability pursuant to 47 U.S.C. Section 251(f)(2): Gene Hand informed the Commission that the application had been filed.

Gene Hand provided the Commission with a copy of the letter received from Ronald Ocken expressing appreciation for the Braille TTY he received through the Equipment Distribution Program.

Commissioner Boyle inquired as to the status of the TRO proceeding. Gene Hand reported that the parties were notified by Hearing Officer order to work together to resolve or eliminate as many of the discovery objections as possible and resubmit remaining objections to the Commission on or before March 17, 2004.

UNIVERSAL SERVICE FUND

Jeff Pursley reported on the Late-Filed Carrier Remittances. The Commission approved the recommendation that a late-fee be assessed against Motion Telecom and that the complaint approved by the Commission on February 18, 2004, against GE Business Productivity, be amended to include the late-filed worksheet of January, 2004.

NUSF-32 In the Matter of the Commission, on its own motion, seeking to conduct an inquiry into the failure of various companies to comply with Commission orders and, at its own discretion, impose administrative fines against the named defendants: Commissioner Vap was assigned as the Hearing Officer for the hearing previously scheduled for March 23, 2004, at 1:30 p.m. in the Commission Hearing Room, Lincoln.

E911 DEPARTMENT

911-004/ In the Matter of the Commission, on its own motion, seeking
PI-73 to investigate enhanced 911 surcharges collected by wireless carriers: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson to close the docket. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

NATURAL GAS AND WATER DEPARTMENT

NG-0001 In the Matter of Aquila, Inc., d/b/a Aquila Networks
NG-0002 (Aquila), Omaha, seeking a general rate increase for
NG-0003 Aquila's Rate Area One, Rate Area Two and Rate Area Three:
John Burvainis reported that Aquila filed a proposed refund
plan February 23, 2004; therefore, comments from interested parties
are due March 4, 2004.

NG-0019 In the Matter of the petition for Declaratory Ruling of
Metropolitan Utilities District of Omaha (M.U.D.), seeking
a determination that Neb. Rev. Stat. §§ 57-1302 through 57-1307 and
Neb. Rev. Stat. § 66-1849 and Neb. Admin. Code, Title 291, Chapter 9,
Sections 003.01 through 003.11 and Section 009.01 do not apply to a
natural gas supply and transportation arrangement between M.U.D. and
Nebraska Public Power District (N.P.P.D.): A hearing was scheduled
for March 31, 2004, at 10:00 a.m. in the Commission Hearing Room,
Lincoln. Commissioner Landis will preside as Hearing Officer.

John Burvainis reported on the nature and number of natural
gas consumer complaints and inquiries received during the previous
month.

LEGISLATIVE REPORT

Andy Pollock reported on the status of legislation.

GRAIN WAREHOUSE DEPARTMENT

The following shortage was discussed:

GW-265 Wheat and corn at Diller Grain Co., Inc. dba Searcey Grain
Co., Elk Creek.

Grain Dealer Division

The following applicant was granted a Grain Dealer license,
subject to the fulfillment of all statutory requirements, for the
license period ending December 31, 2004.

SECURITY

GD-2865 Progressive Ag Partners, LLC, Bradshaw \$35,000

HOUSING DEPARTMENT

Mark Luttich's application to the Federal Manufactured
Housing Consensus Committee was approved without objection. No Motion
was made.

HOUSING DEPARTMENT (Cont.)

Mark Luttich updated the Commission on the Dutchman recreational vehicle furnace recall.

TRANSPORTATION DEPARTMENT

B-1622 In the Matter of Airlink Services, Omaha, seeking authority as a common carrier of passengers in taxicab service by sedans and vans over irregular routes between points in Dakota, Thurston, and Dixon counties, including clients of the Department of Health and Human Services and subcontractors thereof. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Motion made by Commissioner Rod Johnson, seconded by Commissioner Lowell Johnson to enter an order to deny the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

MCC-3153 In the Matter of Andy S. Pollock, Director, Transportation Department, Nebraska Public Service Commission, Lincoln, Complainant, vs. Fantasy Limousine, Laidback Limousine, N.E. Nebraska Daycare, Nebraska City Chamber of Commerce, R & J Limo Services, Inc., Tree City Cab Company, VIP Limo Service (Crofton), Wade Bus Lines, Windstar Lines, Inc., All-Star Moving & Storage, Benson Transfer & Storage Co., Fitch Trucking, Inc., Mike's Moving, Inc., Movers Not Shakers, Murphy Moving, Select Van & Storage Co., and Smitty's Van & Storage Co., Defendants: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis to enter an Order to Show Cause and schedule a hearing. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE. A hearing was scheduled for April 6, 2004, at 1:30 p.m. in the Commission Hearing Room, Lincoln.

B-1637 In the Matter of Patrick J. Oakes, dba CEO Limousine Company, Lincoln, seeking authority as a common carrier of passengers between points in Lancaster County on the one hand, and, on the other hand, points within a 75-mile radius of Lancaster County by luxury or stretch limousines over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: A hearing was set for a date later to be determined after a planning conference is held. Frank Landis will preside as Hearing Officer. Frank Landis inquired about the extent of authority sought and protested. Shana Knutson responded.

M-14110 In the Matter of Mike's Moving, Inc., Omaha: Shana Knutson reported on insurance coverage issues and discussion was held by the Commission. Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis to amend a proposed order to sustain the show cause by denying the request of Mike's Moving to be a self-insurer. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT (Cont.)

TR-132 In the Matter of Safeway Cabs, Inc., Omaha, seeking authority to amend Omaha taxi rates: The hearing previously scheduled for February 19, 2004, was continued to March 25, 2004, at 9:00 a.m. in the Commission Hearing Room, Lincoln.

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Goods Tariff 7F: The fuel surcharge was increased to 20 cents per mile and the taxi surcharge to 35 cents per trip.

GENERAL ADMINISTRATION

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis to approve the following invoices. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

DAS - Communications	\$ 2,320.96
DAS - Transportation Services Bureau	824.41
Kelly Services	560.00
Kelly Services	319.20
Jim Hames	270.11
Anne Boyle	450.00
Gerald Vap	528.75

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Weitbrecht Communications Inc.	463.30
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Upon agreement of all Commissioners, authorization was granted for Mike Bartels to travel to Oklahoma City, Oklahoma, from July 17-21, 2004, to attend the Association of American Warehouse Control Officials (AAWCO) Annual Conference.

Commissioner Lowell Johnson moved that the Commission go into closed session to discuss personnel and litigation issues and Commissioner Landis seconded the motion. Upon agreement of all Commissioners, the Commission went into closed session at 11:04 a.m.

Commissioner Landis moved that the Commission return to open session and Commissioner Lowell Johnson seconded the motion. Upon agreement of all Commissioners, the Commission returned to open session at 11:05 a.m.

Commissioner Landis moved that the employment date of Mark Breiner be changed to March 1, 2004, and Commissioner Rod Johnson seconded the motion. The motion passed with Commissioners Anne Boyle, Rod Johnson, Lowell Johnson, Frank Landis and Jerry Vap voting AYE.

The meeting adjourned at 11:06 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on March 16, 2004, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on March 15, 2004.

Chairman

Executive Director